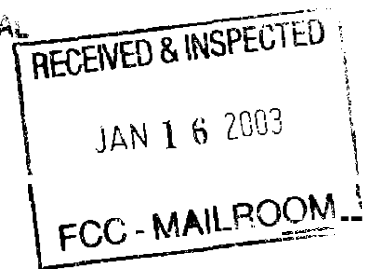


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KFUN/KLVF INC.
P.O. BOX 700
LAS VEGAS, NM 87701
(505) 425-6766



January 9, 2002

Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Greetings:

Submitted herewith is an original and five copies of a Petition for Rule Making to reallocate FM Channel 264C3 from Las Vegas, New Mexico to Pecos, New Mexico, and to substitute FM Channel 296A for FM Channel 264C3 at Las Vegas.

This filing is to be directed to the Media Bureau, Policy Division, Allocations Branch.

Sincerely,
KFUN/KLVF Inc

Dennis Mitchell
President

014
02-322
MB - FM

Pecos is a community with a 2000 U.S. Census population of 1,441 residents, in San Miguel county. Pecos has its own post office and zip code, and has a functioning city government (as an incorporated New Mexico village) composed of a mayor, four council members and a municipal court. The city provides police and fire services. Pecos also maintains its own school system (the Pecos Independent Schools), consisting of elementary, middle **and** senior high schools.

Petition for Rule Making

Pecos and Las Vegas, New Mexico

Page 2

The community is home to numerous commercial establishments, including several restaurants, a bank and a credit union. Pecos is the site of the district office for the Pecos Wilderness, which is part of the Santa Fe National Forest. It is home to a fish hatchery. Pecos has a Benedictine Monastery, home to about 100 monks who host annually numerous workshops and seminars. In addition, the Church of Christ and St. Anthony's Church are located in Pecos. St. Anthony's Church is at the very core of this most Roman Catholic community. St. Anthony's is the home to most of the weddings, baptisms and funerals in Pecos.

In view of these economic, governmental and cultural factors, Pecos should be treated as a community for allotment purposes.

There are two commercial FM stations licensed to Pecos, KOOT on Channel 268C3 and KENC on Channel 275C3. Upon the grant of the instant petition, Pecos will have three local FM stations.

In contrast, Las Vegas is served by at least five local transmission services. These include FM radio broadcast stations KMDZ, KLSK. and KEDP, and AM radio broadcast stations KFUN and KNMX. Moreover, Channels 224A and 283C2 have recently been allotted to Las Vegas. An application for another new FM station is pending for Channel 212A (File No. BNPED-19991119AAU), and yet another application is pending for Channel 220A (File No. BNPED-20000118ABX). Therefore, the proposed reallocation of Channel 264C3 from Las Vegas to Pecos will not deprive Las Vegas of its sole local existing service, or even a second, third, or fourth local service.

Petition for **Rule Making**

Pecos and Las Vegas, New Mexico

Page 3

Upon the substitution of Channel 296A for Channel 264C3 at Las Vegas, Petitioner will apply for **a** construction permit for a new **FM** station on Channel 296A when the Commission opens a window to accept such applications. If Petitioner **is** granted a construction permit, it will promptly build the station.

The proposed allotment complies with the Commission's rules and will serve the Commission's allotment priorities and the public interest. In order for the **Commission** to approve a reallocation plan the channel proposed for a new community must be mutually exclusive with the existing channel, and the new community must be preferred over the existing community under the Commission's allotment priorities. **As** indicated in the attached Technical Statement (Exhibits **1** through **4**), the proposed allotment of Channel 264C3 at Pecos **is** mutually exclusive with the current allotment of Channel 264C3 at Las Vegas. Significantly, the reallocation here will not remove service from a rural area to serve an urban area. Pecos *is* not located within any urbanized area and the station will not provide a 70 dBu signal over 50% of any urbanized area. Pecos **is** not a suburb of any larger community. Therefore, this proposed change is in accordance with Section 307(b) of the Communications Act and relevant Commission precedent. Moreover, the substitution of Channel 296A for Channel 264C3 at Las Vegas **will** continue the availability of an additional service at Las Vegas.

Petition for Rule Making

Pecos and Las Vegas, New Mexico

Page 4

The proposed operation will provide 1 mV/m or better service to 98,411 persons over 5,026 square kilometers, which represents an increase of 79,308 persons over the station's presently authorized facilities. Consequently, the instant proposal will not only provide an additional local service to a deserving independent community, but also will produce a five-fold increase in the population served by this new station. Petitioner submits that its proposed reallocation is decidedly in the public interest.

When the Commission grants the instant proposal to replace Channel 264C3 at Las Vegas, New Mexico with Channel 264C3 at Pecos, New Mexico and modify the permit for Petitioner's station accordingly, Petitioner will file an application for specific facilities on Channel 264C3 at Pecos. Once the application is granted, Petitioner will promptly construct the station with those facilities. Upon the opening of a filing opportunity, Petitioner will also file an application for a new station on Channel 296A at Las Vegas.

In view of the foregoing, KFVN/KLVF Inc. respectfully requests that the Commission amend its Table of Allotments, 47 C.F.R. 73.202(b), to substitute Channel 296A for Channel 264C3 at Las Vegas, New Mexico and to reallocate Channel 264C3 at Las Vegas, New Mexico to Channel 264C3 at Pecos, New Mexico, as follows:

<u>Community</u>	<u>Present Allotment</u>	<u>Proposed Allotment</u>
Las Vegas, NM	244A, 251C, 264C3, 283C2	244A, 251C, 283C2, 296A
Pecos, NM	268C3, 275C3	264C3, 268C3, 275C3

Petition for Rule Making

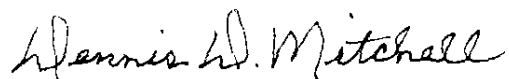
Pecos and Las Vegas, New Mexico

Page 5

KFUN/KLVF Inc. further requests that the Commission modify its license for FM station KLVF to specify operation on Channel 264C3 at Pecos, New Mexico as its community of license, in lieu of Channel 264C3 at Las Vegas, New Mexico as its community of license.

Respectfully submitted.

KFUN/KLVF Inc.

A handwritten signature in black ink that reads "Dennis W. Mitchell". The signature is written in a cursive style with a large, stylized 'D' and 'M'.

Dennis Mitchell

President

TECHNICAL STATEMENT

This Technical Statement is provided on behalf of KFUN/KLVF Inc. as part of the Petition for Rule Making to reallocate FM Channel 26.4C3 from Las Vegas, New Mexico to Pecos, New Mexico, and to allocate new FM Channel 29.6A to Las Vegas.

A study was conducted to determine a location where a transmitter facility on FM Channel 26.4C3 could be located to provide the greatest possible service to Pecos and the surrounding area while protecting all licensed and applied for FM broadcast facilities.

A site was located at coordinates 35-40-15.0, 105-33-06.0 that will provide full protection to all stations and allotments while providing a signal in excess of 70 dbu to Pecos. The results of the study are presented as Exhibits 1 and 2 to this Statement.

In addition, a study was conducted to determine a location where a transmitter facility on FM Channel 29.6A could be located to provide the greatest possible service to Las Vegas and the surrounding area while protecting all licensed and applied for FM broadcast facilities.

A site was located at coordinates 35-36-33.0 N, 105-09-31.0 that will provide full protection to all stations and allotments while providing a signal in excess of 70 dbu to Las Vegas. The results of the study are presented as Exhibits 3 and 4 to this Statement.

Prepared by:

Don Davis
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radiodon @ comcast.net

EXHIBIT 1 – SEPARATION STUDY OF FM CHANNEL 26463 AT PECOS, NEW MEXICO

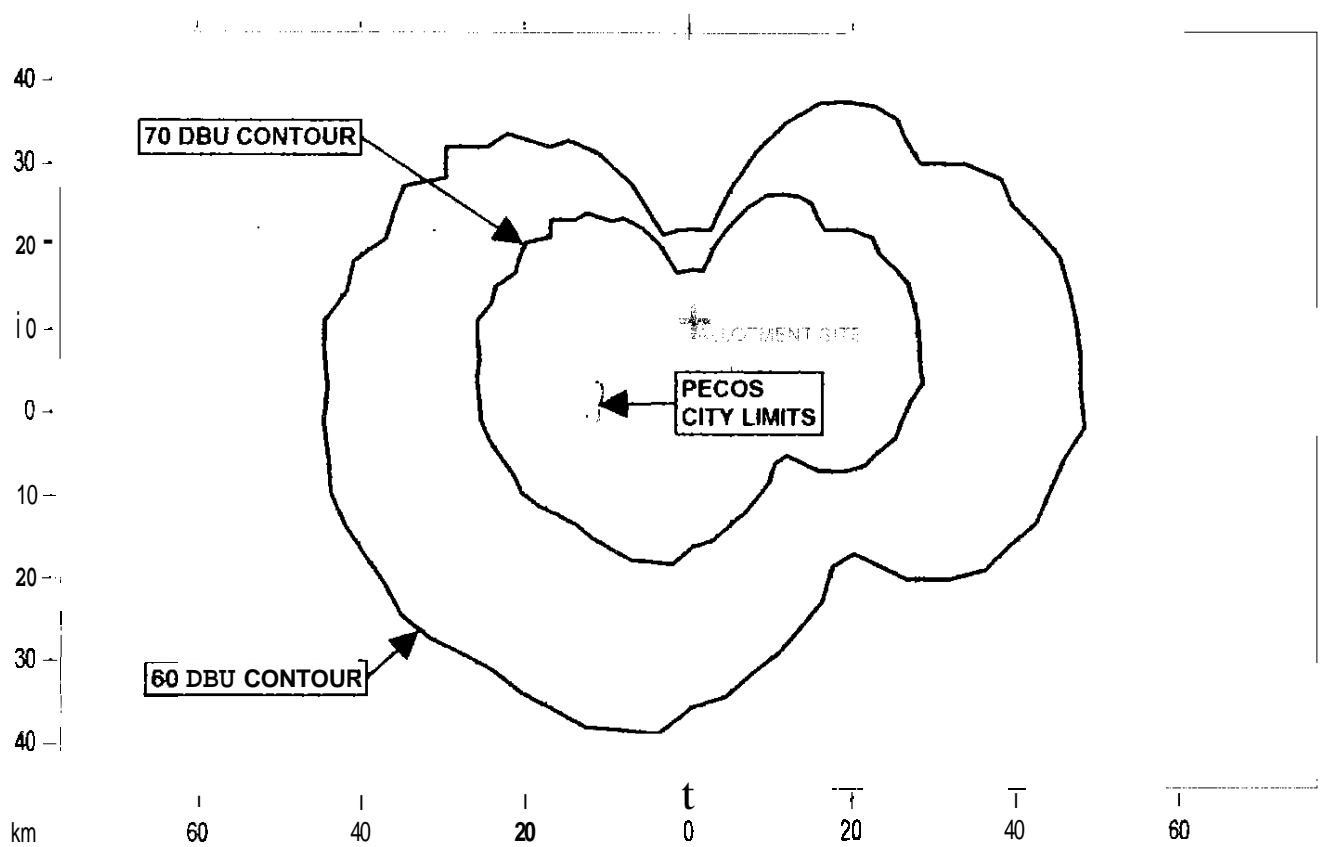
This study demonstrates that FM Channel 264C3 may be allotted to Pecos, New Mexico in full compliance with Section 73.207 of the Commission's Rules at the coordinates 35-40-15.0, 105-33-06.0. As shown on the map provided as Exhibit 2, a Class C3 station at this location with a HAAT of 406 meters and an antenna center of radiation of 100 meters AGL will provide in excess of 70 dbu service over the entire city of Pecos, New Mexico.

The pertinent protections are tabulated below

Search of channel 264 (100.7 MHz Class C3) at 35-40-15.0 N, 105-33-06.0 W

<u>CALL</u>	<u>CITY</u>	<u>ST</u>	<u>CHN</u>	<u>CL</u>	<u>DIST</u>	<u>BRNG</u>	<u>CLEARANCE</u>
KLVE	LAS VEGAS	NM	264C3	32.39	153	104.7	-120.61
KPEK	ALBUQUERQUE	NM	262C	96.06	96	238.3	0.06
KSFQ	WHITE ROCK	NM	26603	79.27	43	287.8	36.27

EXHIBIT 2 - CITY COVERAGE FROM PROPOSED ALLOTMENT



FM CHANNEL, EC NEW MEXICO

Lat/Lon Grid

EXHIBIT 3 – SEPARATION STUDY OF FM CHANNEL 296A AT LAS VEGAS, NEW MEXICO

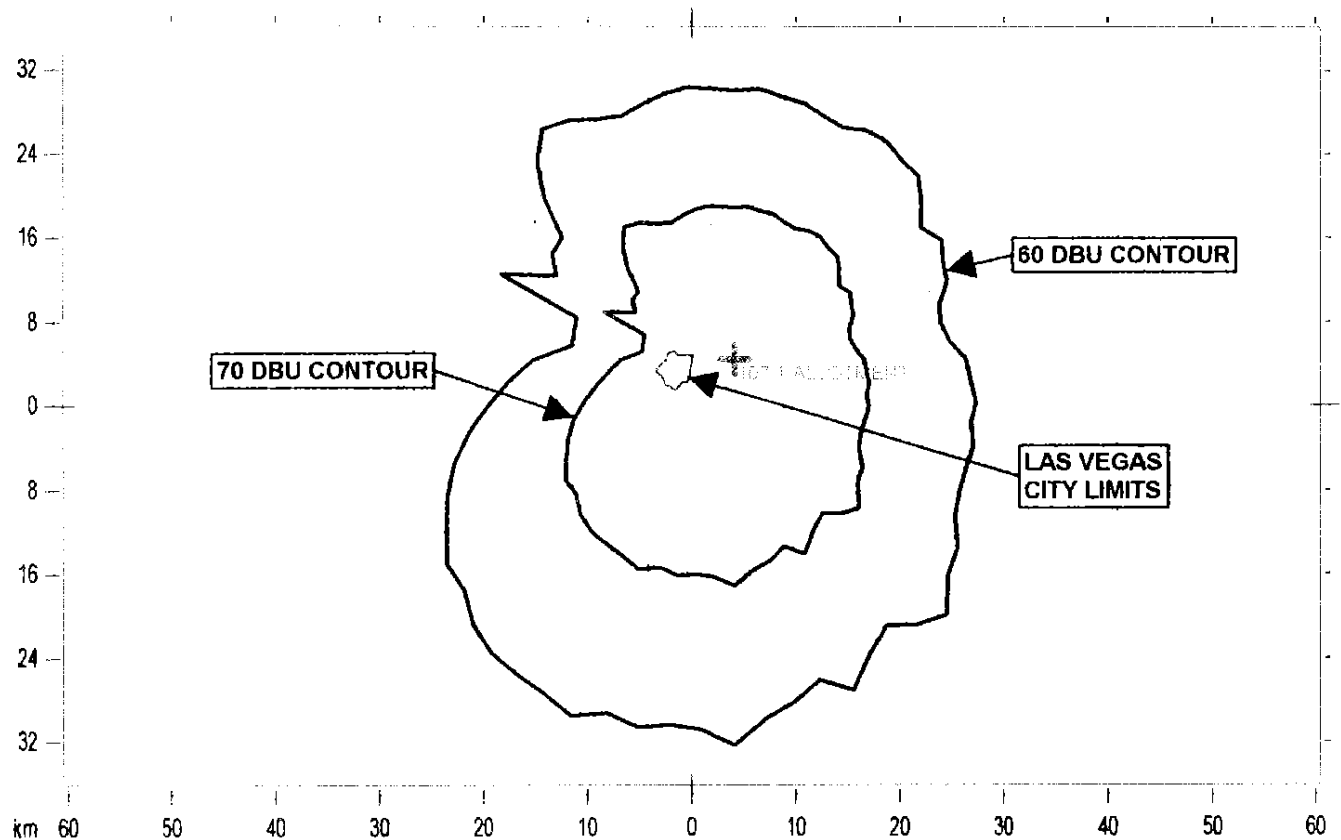
This study demonstrates that FM Channel ~~296A~~ may be allotted to Las Vegas, New Mexico in full compliance with ~~Section~~ 73.297 of the Commission's Rules at the coordinates 35-36-33.0, 105-09-31.0. As shown on the map provided as Exhibit 4, a Class A station at this location with a **HAAT** of 100 meters and an antenna center of radiation of 66 meters AGL will provide in excess of 70 dbu service over the entire city of Las **Vegas, New Mexico**.

The pertinent ~~protections~~ are tabulated below.

Search of channel ~~296~~ (107.1 MHz Class A) at ~~35-36-33.0 N, 105-09-31.0 W~~.

<u>CALL</u>	<u>CITY</u>	<u>ST</u>	<u>CHN</u>	<u>CL</u>	<u>DIST</u>	<u>S</u>	<u>BRNG</u>	<u>CLEARANCE</u>
KNKT	ARMIJO	NM	296	C2	166.38	166	248.7	0.38
KQBA	LOS ALAMOS	NM	298	C1	94.90	75	304.5	19.90
KZNM	LOSALAMOS	NM	294	C1	109.66	75	288.5	34.66

EXHIBIT 4 - CITY COVERAGE FROM PROPOSED ALLOTMENT



FM CHANNEL 296A, LAS VEGAS, NEW MEXICO

State Borders

City Borders

Lat/Lon Grid